TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 19, 2013

Mr. Ron Ryan
Office of Air Quality Planning and Standards
Air Quality Assessment Division
Emissions Inventory and Analysis Group, Mail Code C339-02
Research Triangle Park, NC 27711

Attn: Docket ID NO. EPA-HQ-OAR-2004-0489

Re: Proposed revision to the Air Emissions Reporting Requirements

Dear Mr. Ryan:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to respond to the United States Environmental Protection Agency's announcement of a public comment period for the proposed revision to the Air Emissions Reporting Requirements.

Detailed comments on the many facets of this proposed rule are enclosed. If there are any questions concerning the TCEQ's comments, please contact Mr. Steve Hagle, P.E., Deputy Director, Office of Air, at 512-239-1295 or steve.hagle@tceq.texas.gov.

Sincerely,

Zak Covar
Executive Director

ZC/MS/rs

Enclosure

COMMENTS BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REGARDING IMPLEMENTATION OF THE REVISIONS TO THE AIR EMISSIONS REPORTING REQUIREMENTS: REVISIONS TO LEAD (PB) REPORTING THRESHOLD AND CLARIFICATIONS TO TECHNICAL REPORTING DETAILS; PROPOSED RULE AMENDMENT

EPA DOCKET ID NO. EPA-HQ-OAR-2004-0489

I. Summary

On June 20, 2013, the United States Environmental Protection Agency (EPA) published in the *Federal Register* a proposed revision to the Air Emissions Reporting Requirements (AERR) that were originally promulgated on December 17, 2008 (73 FR 76539). The proposed amendments claim to reduce the reporting burden for state, local, and tribal agencies while improving consistency and clarity with other rules.

II. Comments

1) The EPA is proposing to lower the current threshold for reporting lead emissions sources as point sources in the emissions inventory to support the needs of the revised lead ambient monitoring regulation.

This element of the EPA proposal would place an unnecessary reporting burden on small emissions sources and place additional demands on limited state resources. The Texas Commission on Environmental Quality (TCEQ) recommends that the EPA revise the proposed point source emissions inventory reporting threshold to 0.5 tons per year (tpy) potential lead emissions for areas designated nonattainment for lead and 0.5 tpy of actual lead emissions for all other areas.

The EPA is proposing to change the current point source emissions inventory reporting threshold for lead emissions from 5 tpy potential emissions to 0.5 tpy potential emissions. The 0.5 tpy potential emissions reporting threshold is the current emissions inventory reporting threshold for sources located in lead nonattainment areas. Extending the requirement to all areas unfairly penalizes small emissions sources in attainment areas and will create an undue burden on small emissions sources that are not contributing to a violation of National Ambient Air Quality Standards (NAAQS).

In the 2011 Toxics Release Inventory (TRI), 277 sites reported lead air emissions in Texas; approximately one-half of these sites (49% or 136 sites) do not currently submit point source emissions inventories. Setting the point source emissions inventory reporting threshold at 0.5 tpy potential emissions would result in most, if not all, of these sites submitting an emissions inventory. However, the actual emissions from these sites would be so low (less than 0.1 tpy per site on average according to 2011 TRI data) that very little net improvement to the point source inventory would result. Additionally, the number of reporting sites would increase by 6% (from approximately 2,100 to more than 2,200 annually) taxing limited state resources with no resulting benefit to the overall emissions inventory.

In contrast, requiring sites with equal to or more than 0.5 tpy actual emissions to report to the emissions inventory ensures that small emissions sources are not unnecessarily burdened with nonattainment area emissions inventory requirements and that the inventory captures emissions information from sites potentially subject to lead monitoring requirements.

Contrary to the EPA's assertion, the proposal does not align with the requirements for siting monitors to support the lead NAAQS. The monitoring requirement associated with the lead NAAQS is based on actual emissions, not potential emissions. The revised lead monitoring rule (75 FR 81126) requires a source-oriented lead monitor when a site's lead emissions are greater than or equal to 0.5 tpy. After a monitor has been sited and is operational, if a site is found to have actual emissions that are less than 0.5 tpy, the monitor can be removed. A state can apply for a waiver from lead monitoring requirements if it can demonstrate that the source will not contribute to ambient lead concentrations that are greater than one half of the lead NAAQS. The EPA has approved waivers for some sources in Texas that were estimated to emit greater than 0.5 tpy of lead.

The EPA should revise its proposal to address the inconsistency between the proposed AERR language and the current lead monitoring requirements. The EPA should also change the proposed point source emissions inventory reporting threshold to 0.5 tpy potential lead emissions for areas designated nonattainment for lead and 0.5 tpy of actual lead emissions for all other areas to ensure that unnecessary nonattainment area reporting requirements are not placed on small emissions sources in areas that are not contributing to a violation of the NAAQS.

2) Elimination of reporting for wildfires and prescribed fires and clarification for reporting agricultural fires

The TCEQ agrees with this change and feels it will be beneficial.

3) Elimination of emissions reporting for on-road mobile sources

The TCEQ recommends allowing states the option to report on-road emissions from the EPA-approved model similar to California and tribes rather than requiring reporting model inputs.

The TCEQ uses a higher level of detail in the emissions inventory than the EPA uses. The TCEQ-generated on-road mobile source emissions estimates are based upon hourly, link-level analyses. The TCEQ uses the Motor Vehicle Emission Simulator (MOVES) model in rates-mode and post-processes the emissions rates using utilities to generate these highly detailed emissions inventories. These estimates are more accurate than the values the EPA would generate running MOVES in inventory-mode.

Even if the EPA has the TCEQ model input parameters, the emissions estimates it generates would be different. The TCEQ could supply both emissions and model input parameter files. The national emissions inventory would have the TCEQ-developed inventory, and the EPA could generate a set of planning inventories for its multi-year analyses.

The EPA should revise the proposed reporting requirement to allow states the option of reporting model inputs or on-road emissions.

4) Elimination of emissions reporting for non-road mobile sources

The TCEQ recommends allowing states to report non-road emissions from the EPA-approved model similar to California and tribes rather than reporting model inputs.

Texas has invested a significant amount of resources to develop the TexN non-road model, which is based on the national NONROAD2008a model but uses Texas-specific inputs and parameters based on surveys and studies. The input files used in the current Texas model are not compatible with the EPA-required input files. Considerable time, money, and resources would be required to create the input files to meet this new proposed reporting requirement.

The "averaging" approach used by the EPA's National Mobile Inventory Model (NMIM) model to create appropriate input files would potentially result in less accurate emissions. The TCEQ uses the TexN model, which calculates emissions at a much finer level of detail than NMIM.

Texas produces emissions inventories regularly for various planning purposes, such as state implementation plans (SIPs) and trends analyses. These inventories use more up-to-date growth factors (based on economy.com data) rather than using the outdated growth factors used in NONROAD/NMIM model.

In December 2011, the EPA issued proposed designations under the 2008 eight-hour ozone standard. The EPA originally proposed to designate Matagorda County in Texas as nonattainment in part due to EPA's internal emissions inventory estimates. However, the emissions inventory information used by the EPA for planning purposes did not match the inventory collected by the TCEQ. The EPA should revise the proposed reporting requirement to allow states the option of reporting model inputs or non-road emissions to ensure consistency between state- and EPA-generated emissions inventories.

5) Establishing 2011 as the first triennial inventory affected by proposed rule changes

The TCEQ recommends changing Section 51.30 of the proposed rule, which currently states that the first triennial inventory affected by this change will be the 2011 inventory. The TCEQ recommends changing this section to read that the first triennial inventory affected by this change will be the 2014 inventory, and it must be submitted 12 months later, December 31, 2015.

It is unreasonable to expect states to expend resources on an inventory that has already been completed and submitted to the EPA and divert limited resources from the upcoming 2014 periodic emissions inventory. In addition, changes that result in database or program changes should be funded by the EPA and should allow at least two years from finalization to implementation for contracting, developing, testing, and implementation requirements.

6) Removing requirements for agencies to report daily and seasonal emissions associated with carbon monoxide and ozone nonattainment areas and also for areas subject to the nitrogen oxides state implementation plan (NO_x SIP Call)

Although the TCEQ supports the streamlining efforts of the EPA in regards to states' requirements, the TCEQ recommends keeping the requirement to submit summer day emissions, ozone season emissions, and carbon monoxide (CO) winter work weekday emissions.

The TCEQ supports leaving current requirements in place for states with ozone or CO nonattainment areas that specifically allow for the submission of summer day, ozone season, and CO winter work weekday emissions that could be used as a method for demonstrating milestone year compliance.

The current AERR (73 FR 76555-76556) states that development of summer day emissions for the AERR, reasonable further progress (RFP) SIPs, and transportation conformity emissions inventories should be coordinated to allow for comparability. If the requirement for summer

and winter daily inventories is removed from the AERR, the EPA should issue detailed guidance on the conditions that must be assumed for developing RFP and transportation conformity emission inventories.

7) Requirement to use shape file formatting for the locomotive and commercial marine vessel inventories

The TCEQ recommends continuing with the current file formatting.

There are 11,418 rail line segments and 386 shipping segments that would have to be reported in Texas. The added level of detail would not justify the cost, time, and resources required to make the database changes necessary to support this proposed change.

8) Proposed clarification of element names and usage for controls between the AERR and the EPA's Emissions Inventory System (EIS)

The TCEQ recommends continuing the existing file formatting for the emissions calculation method, the emission factor, and five data elements for controls.

The AERR requires submissions of the emissions calculation method, the emission factor, and five data elements for controls. Although these elements are required by the AERR, the EIS gateway does not generate any errors if this data is not included with the emissions inventory submission. Requiring additional data elements for EIS validation would impose additional resources strain and implementation costs on states. The TCEQ would like the EPA to address data consistency requirements between the AERR and the EIS.